

DECLARATION OF BURTON EGGERTSEN

Pursuant to 28 U.S.C. § 1746

I, Burton Eggertsen, declare as follows:

1. I am a summer law clerk at the Federal Trade Commission's Northwest Regional Office. I am about to enter my third year as a law student at New York University Law School. The following facts are known to me personally and if called as a witness I could and would competently testify thereto.

2. On or about June 9, 2011, I was provided a list of websites by Kathryn Decker, an attorney at the Federal Trade Commission. She asked that I visit each website to see if they were active and to record what I saw on each one. The websites are listed in Attachment A.

3. On or about June 9, 2011, I visited each of these websites. I went through the terms and conditions of each site, the privacy statements, and contact information, and entered search terms and proceeded through the results to the final payment page. I recorded pricing information, contact information, company names, trademarks, and the general format of each site.

4. The addresses of some websites on page MAFG 494 were cut off; in those cases I searched for what appeared on MAFG 494 as well as common endings of other websites. For example, for what was listed as "ancestryfre" I searched ancestryfreeinc.com, ancestryfree123.com, and ancestryfree321.com.

5. I revisited the sites on July 5, 2011 and July 18, 2011. On those dates I recorded changes that had been made to the websites.

6. Based on my research, all the active sites except for familyandhistory.com perform general people-searches. The consumer enters either a name or phone number, and the website claims to locate records about that person. The front page of each site also has an "as seen on" section at the bottom, stating that the website has been seen on various news programs (such as Fox News and ABC) and the sites of certain organizations (such as Brigham Young University). After a search term is entered, a page comes up stating that the search is "processing." Then a new link appears. That link brings up a new "processing" page, which

1 again brings up a new link when the processing is finished. That link brings up the payment
2 page.

3 7. In total I looked at 45 websites. Of these, 17 were active. These websites, except
4 for familyandhistory.com, were very similar in appearance and function. They all had the same
5 \$1 dollar initial fee, and stated multiple times and in different locations that the total cost was \$1.
6 Nine sites had a seven-day trial followed by an \$18.95 per month charge. Seven had a five-day
7 trial followed by a \$19.95 per month charge. There were some differences in the owning
8 company that was listed, cancellation procedures, contact information, and payment information.
9 In the following paragraphs, I summarize what I found on each website.

10 **ancestrysearchinc.com**

11 8. On or about June 9, 2011, ancestrysearchinc.com was active. The "privacy"
12 section states that the site is owned by "Mobile Web Media and its affiliated companies," and
13 that the privacy agreement became effective February 9, 2010. The "terms" section says that the
14 company's address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact
15 information for the site is privacy@ancestrysearchinc.com and legal@ancestrysearchinc.com.
16 After the second "processing" page, the site states that the search costs \$1. At the top of the
17 payment page it states that the total charge is \$1. After scrolling down, there is a box to the side
18 of the area where the consumer enters payment information. It states that by entering his or her
19 information, the consumer is signing up for a seven day free trial, after which the consumer will
20 be charged \$18.95 per month.

21 9. On July 5, 2011, ancestrysearchinc.com was active. The front page and
22 processing pages had new graphics.

23 10. On July 18, 2011, ancestrysearchinc.com was unavailable.

24 **cellphonenumberlookups123.com**

25 11. On or about June 9, 2011, cellphonenumberlookups123.com was active. The
26 "privacy" section states that the site is owned by "Mobile Web Media and its affiliated
27 companies," and that the privacy agreement became effective February 9, 2010. The "terms"
28 section says that the company's address is 147 West Election Road, Suite 200, Draper, Utah

1 84020. The contact information for the site is privacy@cellphonelookups123.com and
 2 legal@cellphonelookups123.com. After the second "processing" page, the site states that the
 3 search costs \$1. At the top of the payment page it states that the total charge is \$1. After
 4 scrolling down, there is a box to the side of the area where the consumer enters payment
 5 information. It states that by entering his or her information, the consumer is signing up for a
 6 seven day free trial, after which the consumer will be charged \$18.95 per month.

7 12. On July 5, 2011, cellphonenumberlookups123.com was still active. The front
 8 page and processing pages had new graphics.

9 13. On July 18, 2011, cellphonenumberlookups123.com was unavailable.

10 **peoplefind123.com**

11 14. On or about June 9, 2011, peoplefind123.com was active. The "privacy" section
 12 states that the site is owned by "Mobile Web Media and its affiliated companies," and that the
 13 privacy agreement became effective February 9, 2010. The "terms" section says that the
 14 company's address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact
 15 information for the site is privacy@peoplefind123.com and legal@peoplefind123.com. After
 16 the second "processing" page, the site states that the search costs \$1. At the top of the payment
 17 page it states that the total charge is \$1. After scrolling down, there is a box to the side of the
 18 area where the consumer enters payment information. It states that by entering his or her
 19 information, the consumer is signing up for a seven day free trial, after which the consumer will
 20 be charged \$18.95 per month.

21 15. On July 5, 2011, peoplefind123.com was active. The front page and processing
 22 pages had new graphics.

23 16. On July 18, 2011, peoplefind123.com was unavailable.

24 **peoplesearchesinc.com**

25 17. On or about June 9, 2011, peoplesearchesinc.com was active. The "privacy"
 26 section states that the site is owned by "Mobile Web Media and its affiliated companies," and
 27 that the privacy agreement became effective February 9, 2010. The "terms" section says that the
 28 company's address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact

1 information for the site is privacy@peoplesearchesinc.com and legal@peoplesearchesinc.com.

2 After the second "processing" page, the site states that the search costs \$1. At the top of the
3 payment page it states that the total charge is \$1. After scrolling down, there is a box to the side
4 of the area where the consumer enters payment information. It states that by entering his or her
5 information, the consumer is signing up for a seven day free trial, after which the consumer will
6 be charged \$18.95 per month.

7 18. On July 5, 2011, peoplesearchesinc.com was active. The front page and
8 processing pages had new graphics.

9 19. On July 18, 2011, peoplesearchesinc.com was active.

10 **surnamesinc.com**

11 20. On or about June 9, 2011, surnamesinc.com was active. The "privacy" section
12 states that the site is owned by "Mobile Web Media and its affiliated companies," and that the
13 privacy agreement became effective February 9, 2010. The "terms" section says the company's
14 address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact information for
15 the site was privacy@deathcertificatesinc.com and legal@deathcertificatesinc.com. The
16 trademark for the website was blank; it was simply a "TM" without other words. After the second
17 "processing" page, the site states that the search costs \$1. At the top of the payment page it
18 states that the total charge is \$1. After scrolling down, there is a box to the side of the area
19 where the consumer enters payment information. It that states that by entering his or her
20 information, the consumer is signing up for a seven day free trial, after which the consumer will
21 be charged \$18.95 per month.

22 21. On July 5, 2011, surnamesinc.com was active. The front page and processing
23 pages had new graphics. The contact information was changed to privacy@surnamesinc.com
24 and legal@surnamesinc.com. The trademark was changed to Surnames Inc™.

25 22. On July 18, 2011, surnamesinc.com was unavailable.

26 **whitepages321.com**

27 23. On or about June 9, 2011, whitepages321.com was active. The "privacy" section
28 states that the site is owned by "Mobile Web Media and its affiliated companies," and that the

1 privacy agreement became effective February 9, 2010. The "terms" section says that the
 2 company's address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact
 3 information for the site is privacy@whitepages321.com and legal@whitepages321.com. After
 4 the second "processing" page, the site states that the search costs \$1. At the top of the payment
 5 page it states that the total charge is \$1. After scrolling down, there is a box to the side of the
 6 area where the consumer enters payment information. It states that by entering his or her
 7 information, the consumer is signing up for a seven day free trial, after which the consumer will
 8 be charged \$18.95 per month.

9 24. On July 5, 2011, whitepages321.com was active. The front page had new
 10 graphics.

11 25. On July 18, 2011, whitepages321.com was unavailable.

12 **cellphonelookupus.com**

13 26. On or about June 9, 2011, cellphonelookupus.com was active. The "privacy"
 14 section states that the site is owned by "Mobile Web Media and its affiliated companies," and
 15 that the privacy agreement became effective February 9, 2010. The "terms" section says that the
 16 company's address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact
 17 information for the site is privacy@cellphonelookupus.com and legal@cellphonelookupus.com.
 18 After the second "processing" page, the site states that the search costs \$1. At the top of the
 19 payment page it states that the total charge is \$1. After scrolling down, there is a box to the side
 20 of the area where the consumer enters payment information. It states that by entering his or her
 21 information, the consumer is signing up for a five day free trial, after which the consumer will be
 22 charged \$19.95 per month.

23 27. On July 5, 2011, cellphonelookupus.com was active. The front page and
 24 processing pages had new graphics.

25 28. On July 18, 2011, cellphonelookupus.com was partially active. The front page
 26 and processing pages were online, but the final payment page was unavailable.

27 **freepeoplesearchltd.com**

28 29. On or about June 9, 2011 freepeoplesearchltd.com was active. The "privacy"

1 section states that the site is owned by "Mobile Web Media and its affiliated companies," and
 2 that the privacy agreement became effective February 9, 2010. The "terms" section says that the
 3 company's address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact
 4 information for the site is privacy@freepeoplesearchltd.com and
 5 legal@freepeoplesearchltd.com. After the second "processing" page, the site states that the
 6 search costs \$1. At the top of the payment page it states that the total charge is \$1. After
 7 scrolling down, there is a box to the side of the area where the consumer enters payment
 8 information. It states that by entering his or her information, the consumer is signing up for a
 9 five day free trial, after which the consumer will be charged \$19.95 per month.

10 30. On July 5, 2011, freepeoplesearchltd.com was active. The front page and
 11 processing pages had new graphics.

12 31. On July 18, 2011, freepeoplesearchltd.com was unavailable.

13 **publicrecords1.com**

14 32. On or about June 9, 2011, publicrecords1.com was active. The "privacy" section
 15 states that the site is owned by "Mobile Web Media and its affiliated companies," and that the
 16 privacy agreement became effective February 9, 2010. The "terms" section says that the
 17 company's address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact
 18 information for the site is privacy@publicrecords1.com and legal@publicrecords1.com. After
 19 the second "processing" page, the site states that the search costs \$1. At the top of the payment
 20 page it states that the total charge is \$1. After scrolling down, there is a box to the side of the
 21 area where the consumer enters payment information. It states that by entering his or her
 22 information, the consumer is signing up for a five day free trial, after which the consumer will be
 23 charged \$19.95 per month.

24 33. On July 5, 2011, publicrecords1.com was active. The front page and processing
 25 pages had new graphics.

26 34. On July 18, 2011, publicrecords1.com was active.

27 **cellphonenumberlookupus.com**

28 35. On or about June 9, 2011, cellphonenumberlookupus.com was active. The

1 “privacy” section says that the privacy agreement became effective March 1, 2011. The “terms”
 2 section states that the company’s name is Cell Phone Number Lookup, Inc., that the governing
 3 law is that of the State of Washington, and that the company’s address is 147 West Election
 4 Road, Suite 200, Draper, Utah 84020. The contact information for the site is
 5 legal@cellphonenumberlookupus.com. After the second “processing” page, the site states that
 6 the search costs \$1. At the top of the payment page it states that the total charge is \$1. After
 7 scrolling down, there is a box separate from the area where the consumer enters payment
 8 information. It states that by entering his or her information, the consumer is signing up for a
 9 five day free trial, after which the consumer will be charged \$19.95 per month. Beneath the
 10 monthly payment information on the payment page, the site states that to cancel the membership,
 11 the consumer must call the number on his or her credit card bill.

12 36. On July 5, 2011, cellphonenumberlookupus.com was active.

13 37. On July 18, 2011, cellphonenumberlookupus.com was unavailable.

14 **freeinmatelookupus.com**

15 38. On or about June 9, 2011, freeinmatelookupus.com was active. The “privacy”
 16 section stated that the privacy agreement became effective March 1, 2011. The “terms” section
 17 states that the company’s name is Free Inmate Lookup, Inc., that the governing law is that of the
 18 State of Washington, and that the company’s address is 147 West Election Road, Suite 200,
 19 Draper, Utah 84020. The contact information for the site is legal@freeinmatelookupus.com.
 20 After the second “processing” page, the site states that the search costs \$1. At the top of the
 21 payment page it states that the total charge is \$1. After scrolling down, there is a box separate
 22 from the area where the consumer enters payment information. It states that by entering his or
 23 her information, the consumer is signing up for a five day free trial, after which the consumer
 24 will be charged \$19.95 per month. Beneath the monthly payment information on the payment
 25 page, the site states that to cancel the membership, the consumer must call the number on their
 26 credit card bill.

27 39. On July 5, 2011, freeinmatelookupus.com was active.

28 40. On July 18, 2011, freeinmatelookupus.com was unavailable.

freepublicrecordsus.com

41. On or about June 9, 2011, freepublicrecordsus.com was active. The "privacy" section stated that the privacy agreement became effective March 1, 2011. The "terms" section states that the company's name is Free Public Records, Inc., that the governing law is that of the State of Washington, and that the company's address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact information for the site is legal@freepublicrecordsus.com. After the second "processing" page, the site states that the search costs \$1. At the top of the payment page it states that the total charge is \$1. After scrolling down, there is a box separate from the area where the consumer enters payment information. It states that by entering his or her information, the consumer is signing up for a five day free trial, after which the consumer will be charged \$19.95 per month. Beneath the monthly payment information on the payment page, the site states that to cancel the membership, the consumer must call the number on their credit card bill.

42. On July 5, 2011, freepublicrecordsus.com was active.

43. On July 18, 2011, freepublicrecordsus.com was unavailable.

peoplefinderus.com

44. On or about June 9, 2011, peoplefinderus.com was active. The "privacy" section states that the privacy agreement became effective March 1, 2011. The "terms" section states that the company name is People Finder, Inc., that the governing law is that of the State of Washington, and that the company's address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact information for the site is legal@peoplefinderus.com. After the second "processing" page, the site states that the search costs \$1. At the top of the payment page it states that the total charge is \$1. After scrolling down, there is a box separate from the area where the consumer enters payment information. It states that by entering his or her information, the consumer is signing up for a five day free trial, after which the consumer will be charged \$19.95 per month. Beneath the monthly payment information on the payment page, the site states that to cancel the membership, the consumer must call the number on their credit card bill.

1 45. On July 5, 2011, peoplefinderus.com was active.

2 46. On July 18, 2011, peoplefinderus.com was active.

3 **freepeoplesearch321.com**

4 47. On or about June 9, 2011, freepeoplesearch321.com was active. The "privacy"
5 section states that the site is owned by "Mobile Web Media and its affiliated companies," and
6 that the privacy agreement became effective February 9, 2010. The "terms" section says that the
7 company's address is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact
8 information for the site is privacy@freepeoplesearch321.com and
9 legal@freepeoplesearch321.com. At the bottom of the front page in small font the site states
10 that by entering payment information, the consumer is signing up for a seven-day free trial, after
11 which the consumer will be charged \$18.95 per month. At the top of the payment page it states
12 that the total charge is \$1. After scrolling down, there is a box to the side of the area where the
13 consumer enters payment information. It states that by entering his or her information, the
14 consumer is signing up for a seven day free trial, after which the consumer will be charged
15 \$18.95 per month.

16 48. On July 5, 2011, freepeoplesearch321.com was active.

17 49. On July 18, 2011, freepeoplesearch321.com was unavailable.

18 **freepublicrecords123.com**

19 50. On or about June 9, 2011, freepublicrecords123.com was active. The "privacy"
20 section states that the site is owned by "Mobile Web Media and its affiliated companies," and
21 that the privacy agreement became effective February 9, 2010. The "terms" section says that the
22 address of the company is 147 West Election Road, Suite 200, Draper, Utah 84020. The contact
23 information for the site is privacy@freepublicrecords123.com and
24 legal@freepublicrecords123.com. At the bottom of the front page in small font the site states
25 that by entering payment information, the consumer is signing up for a seven day free trial, after
26 which the consumer will be charged \$18.95 per month. At the top of the payment page it states
27 that the total charge is \$1. After scrolling down, there is a box to the side of the area where the
28 consumer enters payment information. It states that by entering his or her information, the

1 consumer is signing up for a seven day free trial, after which the consumer will be charged
2 \$18.95 per month.

3 51. On July 5, 2011, freepublicrecords123.com was active.

4 52. On July 18, 2011, freepublicrecords123.com was unavailable.

5 **familyhistoryinc.com**

6 53. On or about June 9, 2011, familyhistoryinc.com was active. The "privacy"
7 section states at one point that the privacy agreement became effective on February 9, 2010, and
8 at another gives the date as March 1, 2011. The "terms" section says that the company's name is
9 FamilyHistoryInc.com, Inc. After the second "processing" page, the site states that the search
10 costs \$1. At the top of the payment page it states that the total charge is \$1. After scrolling
11 down, there is a box separate from the area where the consumer enters payment information. It
12 states that by entering his or her information, the consumer is signing up for a seven day free
13 trial, after which the consumer will be charged \$18.95 per month.

14 54. On July 5, 2011, familyhistoryinc.com was active.

15 55. On July 18, 2011, familyhistoryinc.com was active.

16 **familyandhistory.com**

17 56. On or about June 9, 2011, familyandhistory.com was active. The site appears to
18 be a blog, and has only one post dated 3/29/11. The post only says "My First Post." Nothing
19 else notable seemed to be listed on the site.

20 57. On July 5, 2011 familyandhistory.com was active.

21 58. On July 18, 2011 familyandhistory.com was active.

22 **Inactive Websites**

23 59. The following websites were not active on either June 9, 2011, or July 18, 2011:
24 ancestor123.com, ancestorinc.com, ancestry123.com, ancestryfree123.com,
25 ancestryfree321.com, ancestryfreeinc.com, genealogymax.com, familyhistoriesinc.com,
26 familyhistoryfree123.com, familyhistoryfreeinc.com, familyhistorytreesinc.com,
27 familymembersinc.com, familyname123.com, familysearch123.com, familytreemakerinc.com,
28 familytreesfree.com, findmypast123.com, freeancestryinc.com, freefamilygenealogy.com,

1 historyandfamily.com, historyoffamilyinc.com, historyofthefamilyinc.com, myhistory123.com,
2 myhistoryinc.com, surname123.com, topfamilyhistory.com, treemakerinc.com, and
3 whodoyouthinkyouareinc.com.

4 I declare under penalty of perjury that the foregoing is true and correct.

5
6 Executed on _____
7 Date _____ Burton Eggertsen